



Docket Number 5898-0070

TRW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Thai D. NGUYEN, et al. : Confirmation Number: 7578
Application No.: 09/227,881 : Group Art Unit: 1635
Filed: January 11, 1999 : Examiner: James Schultz
For: Nucleic Acids, Kits, and Methods for the Diagnosis, Prognosis and Treatment of Glaucoma and Related Disorders

COMMUNICATION REGARDING ERRONEOUS ABANDONMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sirs:

This is in response to the Notice of Abandonment dated August 23, 2006 received in this case.

Since receiving the Notice of Abandonment, the verbal assurances were obtained from the Office through telephonic conversations with and voicemails (e.g., on September 6, 2006) from Examiner Schultz, that the Notice of Abandonment was erroneously issued. The Examiner indicated that the Amendment filed June 9, 2006 was sufficient to place the application into condition for allowance. The Examiner had previously confirmed entry of the Amendment in an Office Communication dated June 26, 2006.

The Examiner also stated that the Application appeared to be erroneously abandoned by the Office's Publications Division. The Examiner stated that he would go about identifying the responsible person and facilitating the revival of this Application. The most recent attempts to contact the Examiner and his supervisor, Examiner Wang, on October 17 and 18, 2006 were unsuccessful.

Applicants respectfully request that the Examiner revive this Application without further delay or cost so as to spare them the need and cost of preparing a petition to revive.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

*Joel M. Freed
Registration No. 25,101*
(47,621)

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 JMF:cg
Facsimile: 202.756.8087
Date: October 18, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**